



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9/K.T.
3/13
ELECT.
w/E.O.T.
4 mos.

In re Patent Application of

ROSS et al

Atty. Ref.: 4137-3

Serial No. 09/581,286

Group: 1631

Filed: June 28, 2000

Examiner: Borin, M.L.

For: P. GINGIVALIS POLYPEPTIDES AND
NUCLEOTIDES

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TECH CENTER 1600/2900

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February 28, 2003

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE

Sir:

In response to the Official Action mailed October 1, 2002, Applicants hereby elect Group I. In response to the sequence election requirement, SEQ ID NO:424 (corresponding to peptide PG2) is elected. These elections are made with traverse.

In the Official Gazette of November 19, 1996 in the section initialed "Examination of Patent Applications Containing Nucleotide Sequences", it was stated that the PTO will permit applications to claim up to ten (10) independent and distinct nucleotide sequences in one national application. The Notice further stated that:

"Nevertheless, to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office, the Commissioner has decided *sua sponte* to partially waive the requirements of 37 C.F.R. 1.141 et seq. and permit a reasonable number of such nucleotide sequences to be claimed in a single application."

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The Notice further states:

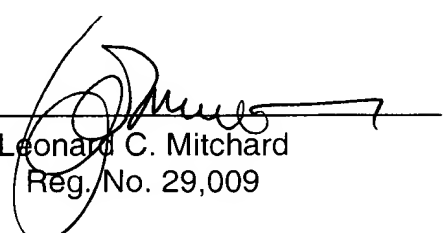
"Accordingly, and in most cases, up to ten (10) independent and distinct nucleotide sequences will be examined in a single application without restriction. It has been determined that normally ten (10) sequences constitute a reasonable number for examination purposes. The PTO believes that allowing applicants to claim up to ten (10) independent and distinct nucleotide sequences in a single application will promote efficient, cost-effective examination of these types of applications. In addition to the specifically selected sequences, those sequences which are patentably indistinct from the selected sequences will also be examined...".

In light of the above policy statement, it is believed that the Applicant in the present application should be permitted to retain more than one sequence in the present application and have those sequences examined in this case. Thus, Applicant would prefer SEQ ID NOs:300 and 425 which are very similar to SEQ ID NO:424 to be examined in the present application. In addition, Applicant would like to retain proteins PG13, PG35, PG47 and PG50 together with PG2. It will be noted that these five proteins are grouped together in Table 5 on page 33, on the basis that they include a TonB III Box. Modification of the requirement in the above regards is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4137-3

C# M#

ROSS et al

Group Art Unit: 1631

Serial No. 09/581,286

Examiner: Borin, M.L.

Filed: June 28, 2000

Date: February 28, 2003

Title: P. GINGIVALIS POLYPEPTIDES AND NUCLEOTIDES

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 1450.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 1450.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 1450.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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By Atty: Leonard C. Mitchard, Reg. No. 29,009

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LCM:lfn

D.C. 20231, on

Date of deposit

Leonard C. Mitchard, 29009

Signature:

Signature

Date of filing